



Tyson Foods, Inc.

August 12, 2014

VIA CERTIFIED MAIL AND FEDERAL EXPRESS

Ms. Kathleen H. Johnson
Director, Enforcement Division
Attn: Debbie Lowe Liang (ENF-2-1)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

*Re Information Request addressed to Tyson Foods, Inc. Pursuant to Section 114 of
the Clean Air Act*

Dear Ms. Johnson:

I write on behalf of Tyson Foods, Inc. ("Tyson") in response to the United States Environmental Protection Agency's ("EPA") Clean Air Act Section 114 information request that Tyson received on June 23, 2014. Tyson asked for and received an extension of time to respond to the request until August 13, 2014. Hence, this response is timely.

Tyson Foods joined SmartWay in 2004 because it is committed to reducing greenhouse gas emissions, other air pollutants, and fuel consumption for its fleet and through third-party carriers. We contract with haulers to take trailers to California, but any Tyson truck that enters California, because of the age of our equipment and fleet, would be California Air Resources Board compliant. Moreover, since 2010, Tyson has required all contract carriers that we hire to be EPA SmartWay participants.

On June 1, 2013, Tyson acquired a California company, Southwest Products LLC ("Southwest"), outside of San Diego, California. Southwest does not operate equipment over 26,000 pounds, but does contract with haulers to move product inside of California.

In the responses that follow, we will provide two separate answers to EPA's questions; one answer will be for Tyson and the other for Southwest.

Please call me at (479) 290-4055 or Tim Jones at (479) 290-7012 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Igli".

Kevin Igli
Senior Vice President and Chief EHS Officer

Cc: Timothy T. Jones

**Initial Responses and Objections of Tyson Foods, Inc. and Southwest Products, LLC to the
June 16, 2014 Section 114 Information Request**

I. GENERAL OBJECTIONS

A. Tyson Foods, Inc. (“Tyson”) and Southwest Products, LLC (“Southwest”) object to the June 16, 2014 Request for Information letter from Kathleen H. Johnson, U.S. Environmental Protection Agency (“EPA”), received by Tyson on June 23, 2014 (hereinafter, the “Information Request”), to the extent it seeks to compel Tyson and Southwest to respond on behalf of entities that are not named as respondents. Tyson Foods, Inc. is not the owner or operator of any of the Contract Carrier vehicles identified in the Information Request.

B. Tyson objects to Questions 12 and 13 as overly broad, burdensome, and unreasonable to the extent they apply to any entity beyond Tyson or Southwest.

II. RESPONSES

- 1) A. Tyson has no responsive information.
B. Southwest has no responsive information.
- 2) Not applicable.
- 3) Not applicable.
- 4) Not applicable.
- 5) Not applicable.
- 6) Not applicable.
- 7) A. Tyson has no responsive information.
B. Southwest has no responsive information.
- 8) Not applicable.
- 9) Not applicable.
- 10) Not applicable.
- 11) Not applicable.
- 12) A. For Tyson, see Exhibit A.
B. For Southwest, see Exhibit B.
- 13) A. Tyson:
 - a) Since, 2010 Tyson only hires contract carriers that are EPA SmartWay certified.

b) Tyson does not have this information in its possession.

B. Southwest:

a) Southwest did not verify CARB compliance with its contract carriers but assumed they were compliant because of the highly regulated nature of the trucking business in California.

b) See Exhibit C.

14) A. Tyson has no responsive information.

B. Southwest has no responsive information.

15) Not applicable.